IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 9486 of 1994

Between:

Syed Adam Shafi, son of Syed Yakub

Aged 27 years, Inspector cum Auditor,

O/o District Waqf Board, Khammam.

..... PETITIONER

AND

Andhra Pradesh State Waqf Board,

Represented by it's Secretary,

King Koti, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the Memos bearing No. A2/80/Accts/Misc./89, dated 1.3.1994 and in not paying the salaries to the petitioner by linking it with the collections of Waqf fund as illegal, contrary to law and the judgments of the High Court in WP No. 18640 of 1988 dated 18.4.1989 and W.P.No.122 of 1994 dated 23.2.1994 and further direct the respondent to pay the salaries and all arrears of salary to the petition and continue to pay the salary of the petitioner every month without linking with collection of waqf fund.

Counsel for the Petitioner: MR.M.V.DURGA PRASAD
Counsel for the Respondent: Mr A.M. Qureshi, SC for Wakf Board

The Court made the following:

ORDER:

This Writ Petition is filed challenging the Memo No. A2/90/Accts./Misc./89 dated 1-2-1994 issued by the respondent wherein the salary of the petitioner was linked to the collection of Wakf Fund.

The matter in this Writ petition is covered by a decision of this Court in W.P.No. 18640 of 1988 dated 18-4-1989 and W.P.No. 1222 of 1994 dated 23-3-1994.

The learned counsel for the petitioner and also the learned Standing Counsel appearing for Wakf Board also produced before this Court a circular Memo No. A2/90/Accts./Misc./89 dated 1-3-1994 which goes to the same effect that the salary was paid after collecting the Wakf Fund.

Under these circumstances, the order passed by the respondent is quashed and the petitioner is entitled for salary without reference to the Wakf Fund collected by him.

Accordingly, this Writ petition is allowed. No costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the fifteenth July, two thousand and four.

ASSISTANT REGISTRAR.

To

1. 2 CC copies to SC for Wakf Board, High Court Bldgs. Hyd. (OUT)

2. 2 CDs.

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